



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Robertson, S.  
Serial No.: 10/634,627  
Title of Invention: System and Method for Providing Electronic Multi-Merchant  
Gift Registry Services Over a Distributed Network  
Filing Date: 08/05/2003  
Group Art Unit: 3625  
Examiner: Rosen, N.  
Attorney Docket No.: ROBERT.P002D1

Seattle, Washington 98109  
August 21, 2007

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**BRIEF OF APPELLANT**

Applicant hereby files its Brief to the Board of Patent Appeals and Interferences in the  
Appeal from the decision of the Examiner dated 1/31/2007 finally rejecting claims 29-47.

**REAL PARTY IN INTEREST (37 CFR 41.37(c)(1)(i))**

The patent application in the case appealed is owned by Steven C. Robertson, the inventor,  
who is therefore believed to be the real party in interest.

**RELATED APPEALS AND INTERFERENCES (37 CFR 41.37(c)(1)(ii))**

There are no other related appeals or interferences known to appellant or appellant's legal  
representative.

**CERTIFICATE OF MAILING (37 CFR 1.8A)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below  
with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D. C. 20231.

August 21, 2007

*Patrick Dwyer*  
Patrick Dwyer

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### STATUS OF CLAIMS (37 CFR 41.37(c)(1)(iii))

The status of claims on appeal is as follows:

Canceled claims: 1-28

Pending claims: 29-47

Claims appealed: 29-47

### STATUS OF AMENDMENTS 37 CFR 41.37(c)(1)(iv))

There have been no amendments filed responsive to the 1/31/2007 Final Rejection; there have been no interviews with the Examiner since the Final Rejection appealed from.

### SUMMARY OF CLAIMED SUBJECT MATTER (37 CFR 41.37(c)(1)(v))

The claims on appeal are directed to system and method for an online gift registry service. In the Applicant's application, individuals anticipating receiving gifts for an occasion or event such as a wedding, are referred to as "registrants". Online merchants or any online business entity are referred to as "service providers" or "SP's". The gift registry service allows registrants to register gifts from one or more online merchants into a centralized gift registry while browsing the service providers' web sites.

To facilitate the system and method steps, the gift registry service runs a gift registrar application (Figures 1 and 11, element 74). A registrant selects items to be included in a centralized gift registry while browsing a service provider's web site. The method steps for selecting items is disclosed in Figures 3 and 11, flowchart elements 110, 112, 114, 116, 118 and 120; and in the application specification:

"Fig. 3 is a flow chart representation of the steps taken by a registrant user to add items to their 'Wish' List while visiting Service Provider sites." (Page 5, paragraph 5, lines 1-2);

and,

“While browsing the SP’s site, the user tags **112** items of interest and later requests **114** the SP site **60** to transfer the items of interest from the SP’s local ‘Wish’ list database **64** to the Centralized ‘Wish’ List Database **76**.” (Page 19, paragraph 2, lines 6-10).

The service providers then package and send a list of a registrant’s selected gift items, referred to in Applicant’s application as a “wish list”, to be stored by the centralized gift registrar application. This creates a universal “wish list” potentially compiled from multiple service provider sites. The packaging and sending of the registrant’s selected gift items is disclosed in Figures 10A and 11, flowchart elements 230, 232 and 236; and in the application specification:

“Fig. 10 is a flow chart representation of the steps taken by the Service Provider site to register updates to user ‘wish’ lists, gift purchases, notification events , and ‘sale events.” (Page 5, paragraph 12, lines 1-2);

and,

“With reference to Figure 10, if the SP site is successfully authenticated, the Gift Registration Agent **68** may perform one of four actions. The first action that may be performed is the sending **232** of a Gift Registration Package to the Gift Registrar [Application] **74** of the Gift Registry Site **70**. This package may contain multiple ‘Wish’ list items associated with multiple gift registrants.” (Page 22, paragraph 2, lines 1-4);

and,

“These items are then added by the Gift Registrar [Application] **74** to the record associated with the user [registrant] identified by the pre-assigned identifier in the Centralized ‘Wish’ List Database **76**.” (Page 17, paragraph 1, lines 1-2).

Potential purchasers of gifts for the registrants are directed to the service provider’s online stores or web sites for purchase of the gifts, as disclosed in Figures 7 and 8, elements 194 and 196. The service providers then package and send a list of the items which have been purchased to the centralized gift registry service and the registrant’s “wish list” is updated accordingly. This keeps

the registrant's "wish list" current, even though purchases are made from multiple online service provider web sites. The steps are disclosed in Figures 10A and 11, flowchart elements 230, 234 and 236; and in the application specification:

"Upon the purchase of a gift item, the SP server application 62 stores the associated information in the Gift Purchase Database 66 for later transferring by the Gift Registration Agent 68 to the Gift Registrar [Application] 74 at the Gift Registry Site 70. The Gift Registrar [Application] 74 would be responsible for updating the appropriate registrant's profile of the purchase information." (Page 17, paragraph 7, lines 1-4);

and,

"With reference to Figure 10, if the SP site is successfully authenticated, the Gift Registration Agent 68 may perform one of four actions...the second action 234 is similar to the first except that gift purchases are sent instead of wish list registrations." (Page 22, paragraph 2, lines 1-2 and 4-5).

As explained above, potential purchasers of gifts for the registrants are directed to the service provider's online stores or web sites. One disclosed method to accomplish this is through a registrant requested notification by the gift registrar application with a link to the service provider's web site, as disclosed in Figure 5, flowchart elements 150, 152, 154 and 156, Figure 6, flowchart elements 160, 162, 164 and 166, Figure 7, flowchart elements 190, 192 and 194, and in the application specification, page 19, paragraph 4 - page 20, paragraph 4.

Another method is for the gift registry service to host a web site (Figures 1 and 11, element 70). Potential purchasers access and are redirected from the centralized gift registry web site, as disclosed in Figure 8, flowchart elements 80, 210, 212, 214, 216, 218, 194 and 196, and in the application specification, page 20, paragraph 6 - page 21, paragraph 1, lines 1-5.

Yet another method for a potential purchaser to be directed to a service provider web site for purchase of gifts for the registrants is through service provider initiated notifications. One such notification is triggered by what is referred to in the application as a 'sale' event. The gift registrar

application generates such notifications as disclosed in Figure 10B, flowchart elements 230, 238, 242, 240 and 244, and in the application specification, page 22, paragraph 4.

The above system and method constitutes a complete gift registry service allowing individuals anticipating receiving gifts for an event to register gifts from one or more online merchants into a centralized gift registry while browsing each of the online merchants' web sites.

#### GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(37 CFR 41.37(c)(1)(vi))

1. When and in what way may Official Notice be taken by an Examiner, and has the Examiner inappropriately and impermissibly used Official Notice in this case?
2. Are the claims in this case allowable over the Cohen reference?

#### ARGUMENT (37 CFR 41.37(c)(1)(vii))

##### GROUPING OF CLAIMS

With respect to any of their rejections under 35 USC 103(a), Claims 29-47 do not stand or fall together.

##### I. Examiner has inappropriately and impermissibly used official notice.

The examiner has resorted impermissibly and inappropriately to what he calls "official notice," rather than find and cite actual and appropriate prior art. The Examiner's misuse of the practice of "official notice," in stark violation of the MPEP, has deprived Applicant of an effective and fair examination on the merits.

Section 2144.03(A) of the MPEP states:

"It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific

knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art."

Regarding rejections of base independent Claims 29, 46 and 47, a brief article written by Cohen is the only reference the Examiner has cited against the claims. The Examiner admits that "Cohen does not expressly disclose (a) running a gift registrar application on at least one gift registry site," then proceeds to state, "...but official notice is taken that running applications on computers is well known". The claim actually requires "running a gift registrar application on at least one gift registry site," not just "running applications on computers." For the Examiner to claim that running a gift registrar application on at least one gift registry site is a "fact asserted to be well known ....capable of instant and unquestionable demonstration as being well known" is clearly not supportable. Furthermore, the claim requires that the gift registrar application perform the steps of storing a wish list of gift selections made by a registrant at a plurality of service provider sites and returning that list to a purchaser remote from any gift registry site. Clearly the gift registrar application required is not an application "capable of instant and unquestionable demonstration as being well known".

Further, the Examiner consistently uses the language, "...official notice is taken that it is well known," when referring to the facts established by his "official notice". Applicant is left to question whether the Examiner is confused about when the facts he claims are "capable of instant and unquestionable demonstration as being well known" should have been so. To qualify as facts appropriate to "official notice", they must have been well known, not on July 20, 2006, the date of the first office action, nor on January 31, 2007, the date of the final office action, but on May 7, 1999 the effective filing date of the parent application. The Examiner did not state, "...but official notice is taken that [fact in question] was well known on May 7, 1999," nor could he.

In addition, the Examiner admits that "Cohen does not expressly disclose that the gift purchaser accesses the stored wish list from a site remote from any gift registry sites," then proceeds to state, "...but official notice is taken that it is well known to access online web sites from remote sites." Again, the requirement of this claim element in Claims 29, 46 and 47, in combination with

a gift registrar application, is certainly not a "fact asserted to be well known ....capable of instant and unquestionable demonstration as being well known." It violates the procedures of Section 2144.03(A) of the MPEP to use "official notice" to fill in wherever there is a missing claim element in the references cited against complex computer software method claims. The Examiner has not only used an impermissible hindsight reconstruction in making a 103(a) obviousness rejection, but has provided no combination of references which can be addressed by Applicant for proper argument against the reconstruction when requested by applicant to do so. Applicant is expected to accept that the Examiner's unsupported opinion is sufficient to replace elements admittedly missing in Cohen, the only cited reference.

As provided in MPEP, Section 2144.03(A), and as the court said in *In re Eynde* (CCPA 1973):

"[W]e reject the notion that judicial or administrative notice may be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice".

Whatever his background, the procedures required by the MPEP, Section 2144.03(A) do not allow an Examiner to assume he is qualified to assert the state of the prior art without cited references to corroborate his assertions.

Claims 29, 46 and 47 are the independent claims in the application and are the base claims for all dependent claims. Hence, the Examiner incorporates "official notice as applied to claim 29 above" in his rejection of Claims 30, 31, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44 and 45. Applicant respectfully requests the Board to set aside each and every part of the rejections that are based upon rejections made of Claims 29, 46 and 47 which themselves are improperly founded upon "official notice".

Similarly, and further, the Examiner uses official notice to provide a missing claim element in his rejection of Claim 36 on page 6 of the final action dated January 31, 2007. The Examiner admits that "neither Cohen nor 'Lillian Vernon' expressly discloses associating an SP (merchant) site

to the occasion reminder," and then continues, "...but official notice is taken that it is well known for e-mails to include merchant or other site links associated to them." Again, the Examiner seems confused both as to the time period he must be establishing for the missing element, and as to the fact that the missing element is just not a "fact asserted to be well known ....capable of instant and unquestionable demonstration as being well known."

Again, in his rejection of Claims 40 and 41 on page 8 of the final action dated January 31, 2007, the Examiner admits that none of the cited references explicitly teaches the gift registrar application displaying a sale event data to users accessing the gift registry site, and the gift registrar application sending a sale event notification, then the Examiner continues, "...but official notice is taken that it is well known to send out notifications (e.g., e-mails) containing advertising." Again, the Examiner seems confused as to the time period he must be establishing for the missing element and the missing element is not a "fact asserted to be well known ....capable of instant and unquestionable demonstration as being well known."

In Applicant's Amendment and Response to Office Action document filed 12/20/2006, regarding Claim 29, on page 10, in paragraph 3, Applicant "respectfully traverse[d] this rejection," and stated that the Examiner had asserted an unsupported "official notice", clearly asking the Examiner to support his "official notice" for the asserted facts with referential evidence. However, the Examiner chooses now to misinterpret this request and states in his final action that, "The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice, except with regard to claim 30." (Final Action dated 01/31/2007)] Applicant has admitted no such thing, admits nothing now, and traverses this latest assertion. Applicant has previously traversed and hereby traverses again Examiner's taking of official notice in every instance in the first office action dated 7/20/2006 and the final office action dated 1/31/2007.<sup>1</sup>

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<sup>1</sup> Applicant has filed a Petition to the Director under 37 CFR 1.181 alleging procedural misuse of 'official notice' by the Examiner in every instance. Applicant has requested that the Director rule to set aside any and every part of the rejections of January 31, 2007 that are based upon this improper use of "official notice".



Every part of any rejection that contains any "official notice" in the final action of January 31, 2007 should be set aside because each and every instance of the Examiner's use of "official notice" in the rejection of Claims 29-37 and 39-47 is a violation of the MPEP.

II. Claims 29, 32, 46 and 47 Are Non-Obvious Under 35 USC 103(a). Notwithstanding the Cohen article, any other citations and/or Examiner's "official notice", Either Singly or in Combination.

Claim 29

The Examiner has failed to establish existence in the prior art for at least one claim element, namely the claim element, "running a gift registrar application."

Claim 29 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1 (markings upon the article are as received from Examiner, not made by Applicant). The Examiner admits that Cohen does not disclose element (a) of Claim 29, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' (and at the same time presents the non-sequitur) that "running applications on computers is well known."

The gift registrar application element of Claim 29, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known" (we assume he meant 'were' well known, since the relevant time frame for something to exist and be so 'noticed' can only be the time before the application was filed). He might as well have taken notice, in say a claim involving a jelly donut, that baked goods were well known. To establish that 'applications were well known in 1999' or so,

is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 29 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Indeed, Cohen does not disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his “gift registry” or “bridal registry” could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites. The Examiner’s speculation that he cannot imagine how else such sites might operate (ie. without such a gift registrar application) is irrelevant as unsupported speculation, and contrary to the evidentiary standards required for a 103 rejection. The examiner must show how the cited reference teaches the claim elements, not merely opine that they must be ‘in there somewhere’.

Element (a) of Claim 29 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 29. TheWeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site. [www.weddingnetwork.com]" (Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 29. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 29 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 29 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 29.

### Claim 30

Claim 30 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 30, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 30, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application,

such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 30 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his “gift registry” or “bridal registry” could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 30 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 30. TheWeddingChannel site teaches, “Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]” (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, “from the Web site.[www.weddingnetwork.com]”(Cohen, Paragraph 3). The American Bridal Registry teaches that “Brides and bridegrooms supply the site with ordering

information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 30. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 30 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 30 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 30.

### Claim 31

Claim 31 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 31, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 31, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 31 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his “gift registry” or “bridal registry” could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 31 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 31. TheWeddingChannel site teaches, “Brides and Bridegrooms choose from thousands of products in the site's virtual storefront.”[Emphasis added]” (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, “from the Web site.[www.weddingnetwork.com]”(Cohen, Paragraph 3). The American Bridal Registry teaches that “Brides and bridegrooms supply the site with ordering information...”(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 31. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 31 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 31 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 31.

### Claim 32

Claim 32 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 32, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 32, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 32 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described

as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 32 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 32. TheWeddingChannel site teaches, “Brides and Bridegrooms choose from thousands of products in the site's virtual storefront.”[Emphasis added]” (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, “from the Web site.[www.weddingnetwork.com]”(Cohen, Paragraph 3). The American Bridal Registry teaches that “Brides and bridegrooms supply the site with ordering information...”(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 32. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 32 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 32 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 32.



### Claim 33

Claim 33 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 33, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 33, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 33 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described as "a virtual storefront". There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 33 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant

wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 33. The WeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront.[Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 33. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 33 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 33 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 33.

#### Claim 34

Claim 34 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls “official notice”. A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does

not disclose element (a) of Claim 34, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 34, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 34 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described as "a virtual storefront". There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 34 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) "the gift registrar application storing

the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 34. TheWeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 34. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 34 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 34 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 34.

### Claim 35

Claim 35 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls “official notice”. A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 35, "running a gift registrar application on at least one gift registry site” and then takes ‘official notice’ that "running applications on computers is well known.”

The gift registrar application element of Claim 35, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected

items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 35 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 35 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 35. TheWeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 35. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 35 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 35 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 35.

#### Claim 36

Claim 36 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 36, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 36, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application,

such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 36 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his “gift registry” or “bridal registry” could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 36 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 36. TheWeddingChannel site teaches, “Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]” (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, “from the Web site.[www.weddingnetwork.com]”(Cohen, Paragraph 3). The American Bridal Registry teaches that “Brides and bridegrooms supply the site with ordering

information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 36. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 36 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 36 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 36.

### Claim 37

Claim 37 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 37, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 37, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 37 that was well known prior to May 7, 1999, the Examiner has yet to produce it.



Cohen does not disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his “gift registry” or “bridal registry” could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 37 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 37. TheWeddingChannel site teaches, “Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]” (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, “from the Web site.[www.weddingnetwork.com]”(Cohen, Paragraph 3). The American Bridal Registry teaches that “Brides and bridegrooms supply the site with ordering information...”(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 37. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 37 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 37 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 37.

#### Claim 38

Claim 38 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 38, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 38, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 38 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described

as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 38 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 38. TheWeddingChannel site teaches, “Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]” (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, “from the Web site.[www.weddingnetwork.com]”(Cohen, Paragraph 3). The American Bridal Registry teaches that “Brides and bridegrooms supply the site with ordering information...”(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 38. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 38 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 38 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 38.

### Claim 39

Claim 39 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 39, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 39, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 39 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described as "a virtual storefront". There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 39 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant

wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 39. TheWeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 39. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 39 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 39 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 39.

#### Claim 40

Claim 40 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls “official notice”. A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does

not disclose element (a) of Claim 40, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 40, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 40 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described as "a virtual storefront". There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 40 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) "the gift registrar application storing

the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 40. The WeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 40. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 40 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 40 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 40.

#### Claim 41

Claim 41 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls “official notice”. A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 41, "running a gift registrar application on at least one gift registry site” and then takes ‘official notice’ that "running applications on computers is well known.”

The gift registrar application element of Claim 41, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected

items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 41 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 41 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).



Furthermore, Cohen actually teaches away from element (b) in Claim 41. The WeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]" (Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..." (Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 41. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 41 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 41 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 41.

#### Claim 42

Claim 42 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 42, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 42, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application,

such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 42 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described as "a virtual storefront". There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 42 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) "the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site"(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), "a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site" (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 42. TheWeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering

information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 42. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 42 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 42 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 42.

### Claim 43

Claim 43 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 43, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 43, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 43 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 43 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 43. TheWeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 43. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 43 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 43 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 43.

#### Claim 44

Claim 44 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 44, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 44, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 44 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described

as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 44 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 44. TheWeddingChannel site teaches, “Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]” (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, “from the Web site.[www.weddingnetwork.com]”(Cohen, Paragraph 3). The American Bridal Registry teaches that “Brides and bridegrooms supply the site with ordering information...”(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 44. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 44 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 44 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 44.

#### Claim 45

Claim 45 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls "official notice". A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 45, "running a gift registrar application on at least one gift registry site" and then takes 'official notice' that "running applications on computers is well known."

The gift registrar application element of Claim 45, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known—rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 45 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described as "a virtual storefront". There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 45 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant

wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 45. The WeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 45. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 45 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 45 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 45.

#### Claim 46

Claim 46 stands rejected under 35 U.S.C. 103 (a) as allegedly unpatentable over the article "Going to the Chapel" by Cohen in view of what the Examiner calls “official notice”. A copy of the article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does



not disclose element (a) of Claim 46, "running a gift registrar application on at least one gift registry site" and then takes "official notice" that "running applications on computers is well known."

The gift registrar application element of Claim 46, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input by users while online at a merchant site that is remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known –rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 46 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen does not disclose "running a gift registrar application" as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as "an online retail catalog". Another is described as "a virtual storefront". There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while browsing online at a remote merchant site.

Element (a) of Claim 46 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a remote goods or service provider (SP) site, and at such a site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from the goods or service provider site as required by element (c) "the gift registrar application storing the wish list into a wish

list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site” (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 46. The WeddingChannel site teaches, “Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]” (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, “from the Web site.[www.weddingnetwork.com]”(Cohen, Paragraph 3). The American Bridal Registry teaches that “Brides and bridegrooms supply the site with ordering information...”(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider site as required by element (b) of Claim 46. A gift registrant accessing goods or services online at a remote SP site is therefore not taught by Cohen.

Accordingly, since Claim 46 stands rejected based solely on the Cohen reference combined with ‘official notice’, and none of the rejections can stand if the Cohen reference is overcome, or ‘official notice’ is withdrawn, it is believed that Claim 46 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 46.

#### Claim 47

Claim 47 stands rejected under 35 U.S.C. 103 (a) as allegedly unpatentable over the article “Going to the Chapel” by Cohen in view of what the Examiner calls “official notice”. A copy of the Cohen article is included in the Evidence Appendix as Exhibit 1. The Examiner admits that Cohen does not disclose element (a) of Claim 47, “running a gift registrar application on at least one gift registry site” and then takes “official notice” that “running applications on computers is well known.”

The gift registrar application element of Claim 47, in conjunction with other claim elements, defines a process of steps in which a gift registrar application receives wish list items that are input

by users while online at merchant sites that are remote from the gift registry site, stores the selected items in a wish list and makes the wish list available to a purchaser. But this is not the application that the Examiner has taken 'notice' of. In other words, he has not taken notice, official or otherwise, that such a gift registrar application is well known –rather, he has, after the fashion of a non-sequitur, taken 'notice' that "applications are well known". To establish that applications were well known in 1999 or so, is to say absolutely nothing about the state of the art with respect to a particular kind of application, such as the claimed gift registrar application. The gift registrar application is neither a displayed table of wish list items input manually by registrants, nor some kind of online store as disclosed by Cohen. If there is anywhere a gift registrar application capable of supporting elements (b), (c) and (d) of Claim 47 that was well known prior to May 7, 1999, the Examiner has yet to produce it.

Cohen fails to disclose “running a gift registrar application” as the Examiner has already admitted. There is nowhere a suggestion in Cohen that his "gift registry" or "bridal registry" could be anything more than just displayed lists or tables of products available somewhere online. One of the sites listed in Cohen is actually described as “an online retail catalog”. Another is described as “a virtual storefront”. There is no teaching that an application exists, or could advantageously exist, to allow users to select gifts while online at a plurality of merchant sites.

Element (a) of Claim 47 must be a gift registrar application that is operably configured to support element (b) where a gift registrant accesses goods or services online at a plurality of goods or service provider (SP) sites, and at every such site, registers a gift selection into a gift registrant wish list controlled by the gift registrar application – not just some kind of online store or catalog. (This is supported in the application specification page 2, paragraphs 5 and 6, and Figures 1 and 3.) The gift registrar application must be capable of receiving wish list elements from this plurality of goods or service provider (SP) sites as required by element (c) “the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site”(further supported in the application specification page 19, paragraph 1, and Figures 1 & 3). After this storage, the purchaser can access the wish list as claimed in element (d), “a gift purchaser accessing

the stored wish list from a site on the distributed network remote from any gift registry site" (further supported in the application specification page 20, paragraph 6, and Figure 8).

Furthermore, Cohen actually teaches away from element (b) in Claim 47. TheWeddingChannel site teaches, "Brides and Bridegrooms choose from thousands of products in the site's virtual storefront. [Emphasis added]" (Cohen, Paragraph 2). The Wedding Network teaches that guests purchase gifts, "from the Web site.[www.weddingnetwork.com]"(Cohen, Paragraph 3). The American Bridal Registry teaches that "Brides and bridegrooms supply the site with ordering information..."(Cohen, Paragraph 4); clearly they cannot register their gifts at the service provider sites as required by element (b) of Claim 47. A gift registrant accessing goods or services online at a plurality of SP sites is therefore not taught by Cohen.

Accordingly, since Claim 47 stands rejected based solely on the Cohen reference combined with 'official notice', and none of the rejections can stand if the Cohen reference is overcome, or 'official notice' is withdrawn, it is believed that Claim 47 is in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of Claim 47.

Accordingly, since none of the claims is anticipated or rendered obvious by the Cohen reference, and the Examiner's 'official notice' is inappropriate, misplaced, and misdirected, it is believed that all claims distinguish over all cited art and are therefore in condition for allowance, and the Board is urged to reverse the Examiner and order allowance of all claims in the case.

The claims on appeal have been set forth in the Claims Appendix.

(206) 550-4049  
P002D1-Appeal.BRF

Respectfully submitted,



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CLAIMS APPENDIX 37 CFR 41.37 (c)(1)(viii)

Claims on Appeal:

1. - 28. (Cancelled)

29. A method of providing a gift registry service over a distributed network of computers, the method comprising the following steps:

- a. running a gift registrar application on at least one gift registry site;
- b. a gift registrant accessing goods or services online from a plurality of goods or service provider (SP) sites, and registering a gift selection from each of the plurality of SP sites into a gift registrant wish list;
- c. the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site; and
- d. a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site.

30. The method of Claim 29 further comprising, in step d, the gift purchaser accessing the wish list by searching for at least one criterion.

31. The method of Claim 29 further comprising the following steps, where step e occurs at any time after step b; and the timing and sequence of steps e - g are not dependent on steps c - d:

- e. the gift registrant creating a distribution list, the distribution list being stored in a distribution list data memory structure accessible from the gift registry site;
- f. the gift registrant requesting that the gift registrar application send notifications to members of the distribution list; and
- g. the gift registrar application sending notifications to members of the distribution list.

32. The method of Claim 29 further comprising, at any time after step b, the gift registrant registering an occasion and associating at least one wish list with the occasion, the occasion data and the association(s) being stored in an occasion data memory structure accessible to the gift registry site.

33. The method of Claim 32 further comprising, after the step of registering an occasion, the gift registrant creating a distribution list, the distribution list being stored in a distribution list data memory structure accessible to the gift registry site; and further associating the distribution list with an occasion and the association being stored in a data memory structure accessible to the gift registry site.
34. The method of Claim 33 further comprising, after the steps of associating the occasion with a distribution list and storing the association, the gift registrant specifying an occasion reminder for repeating notifications, the occasion reminder being stored in an occasion reminder data memory structure accessible to the gift registry site.
35. The method of Claim 34 further comprising, after the step of specifying the occasion reminder, associating a wish list to the occasion reminder, and storing the association in an occasion reminder data memory structure accessible to the gift registry site.
36. The method of Claim 34 further comprising, after the step of specifying the occasion reminder, associating an SP site link to the occasion reminder, and storing the association in an occasion reminder data memory structure accessible to the gift registry site.
37. The method of Claim 34 further comprising, after the step of specifying the occasion reminder, the gift registrant specifying at least one occasion trigger for notification of the members of the associated distribution list; and further the gift registrar application automatically sending the occasion reminder to each of the members of the distribution list upon the tripping of an occasion trigger.
38. The method of Claim 37 further comprising, after the step of automatically sending the occasion reminder to the members of the associated distribution list, the gift registrar application automatically sending an occasion notification to at least one SP upon the tripping of an occasion trigger.
39. The method of Claim 29 further comprising, at any time before, during or after steps a - d:
- h. an SP registering a sale event by sending sale event data over the network of computers to the gift registry site; and

- i. the gift registry site storing the sale event data in a sale event data memory structure accessible to the gift registry site.
40. The method of Claim 39 further comprising, after step i, at least one of the following steps:
- j. the gift registrar application displaying the sale event data to users accessing the gift registry site; and
  - k. the gift registrar application sending a sale event notification.
41. The method of Claim 40 wherein in step k, the sale event notification contains pertinent wish list data.
42. The method of Claim 29 further comprising, after step d, the gift purchaser viewing a display of multiple SP's from whom the purchaser may purchase items on the gift registrant's wish list.
43. The method of Claim 29 further comprising, after step d, the gift registrar application indicating the most desirable SP for an item on the gift registrant's wish list.
44. The method of Claim 29 further comprising, after step d, the following steps:
- l. the gift purchaser purchasing a gift suggested by the gift registrant's wish list; and
  - m. the gift registrar application storing data pertaining to the gift purchaser's purchases for a gift registrant in a purchased items data memory structure accessible to the gift registry site.
45. The method of Claim 44 wherein, after step m, the gift registrar application provides gift recommendations to prospective gift purchasers, based upon gifts previously purchased for the gift registrant whose wish list the purchaser is accessing.
46. A method of providing a gift registry service over a distributed network of computers, the method comprising the following steps:
- a. running a gift registrar application on at least one gift registry site;
  - b. a gift registrant accessing goods or services online from a goods or service provider (SP) site, and registering a gift selection from the goods or service provider site into a gift registrant wish list;
  - c. the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site; and

d. a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site.

47. A method of providing a gift registry service over a distributed network of computers, the method comprising the following steps:

a. running a gift registrar application on at least one gift registry site;

b. a gift registrant accessing goods or services online from a plurality of goods or service provider (SP) sites, and registering a gift selection from each of the plurality of SP sites into a gift registrant wish list;

c. the gift registrar application storing the wish list into a wish list data memory structure accessible to at least one gift registry site;

d. a gift purchaser accessing the stored wish list from a site on the distributed network remote from any gift registry site; and

e. the gift registrar application indicating to the gift purchaser the most desirable SP for at least one item on the gift registrant's wish list.



EVIDENCE APPENDIX (37 CFR 41.37 (c)(1)(ix))

1. Cohen, E., "Going To The Chapel," PC Magazine, Vol. 17, No. 12, Page 40, June 1998.

RELATED PROCEEDINGS APPENDIX (37 CFR 41.37 (c)(1)(x))

1. None

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02194930 SUPPLIER NUMBER: 20631120 (THIS IS THE FULL TEXT)  
Going to the Chapel. (Wedding Channel, Wedding Network, American Bridal  
Registry online bridal registries) (Company Business and Marketing)  
Cohen, Emily  
PC Magazine, v17, n12, p40(1)  
June 30, 1998

TEXT:

No one wants to spend another wedding season trudging around crowded department stores and waiting in line to buy the last, most expensive gift on a couple's wedding registry. One of these online gift registries can help streamline the process of selecting and buying gifts.

TheWeddingChannel ([www.weddingchannel.com](http://www.weddingchannel.com)) is an interactive retail-shopping service and gift registry that lets couples post gift selections and lets wedding guests purchase those gifts online. Brides and bridegrooms choose from thousands of products in the site's virtual storefront, browsing by department or searching by product feature (such as manufacturer, color, or category). Guests then access the couple's personalized "Our Wedding" page to purchase gifts online.

From Internet Gift Registries comes The Wedding Network ([www.weddingnetwork.com](http://www.weddingnetwork.com)), an online retail catalog and bridal registry published in partnership with Modern Bride magazine. Couples select items from a list of online retailers. Guests view photos of the selected gifts on the registry and purchase them from the Web site.

American Bridal Registry ([www.abregistry.com](http://www.abregistry.com)) lets couples use their favorite catalogs, stores, and shopping services to maintain an online registry. You can select gifts off-line or with a provided list of traditional wedding-gift manufacturers, gift shops, wedding services, and Internet malls. Brides and bridegrooms supply the site with ordering information for gifts listed in the registry, and guests place orders by phone. To keep the registry current, buyers must inform the site of their purchases as they make them.

WEDDING BELLS AND BAUBLES: Register and buy wedding presents online at the Wedding Channel.

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